

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT DELAWARE**

ROBERT E. BROWN, and
SHIRLEY H. BROWN,

Plaintiffs,

v.

INTERBAY FUNDING, LLC, and
LEGRECA & QUINN REAL ESTATE
SERVICES, INC.,
Defendants.

C.A. No. 04-6 17 SLR

2005 MAR -4 PM 3:24
CLERK U.S. DISTRICT COURT
DISTRICT OF DELAWARE

PLAINTIFFS MOTION TO DENY DEFENDANT LEGRECA AND QUINNS'

MOTION OF DEPOSITION OF ROBERT E. BROWN

Comes now, Robert E. and Shirley H. Brown, and request this Honorable Court to Deny Defendant Legreca and Quinns Motion of Deposition of Robert E. Brown pursuant to Federal Rule of Civil Procedure **Rule 30-- Depositions Upon Oral Examination.**

Plaintiffs, (Robert E. and Shirley H. Brown) allege that the Defendant (Legreca and Quinn) are attempting to mislead this Court at the 11th hour of the Discovery Process by making statements to the Court that are not true. In support of our allegations Plaintiffs submit the following events to show that the Defendants (Legreca and Quinn) attorney has made several misleading statements to this Court as follows:

Ms. Antoff, attorney for Legreca and Quinn made the following statements that are not true.

- (1) Ms. Antoff, stated that Robert E. Brown was scheduled to be deposed on March 3, 2004. Ms. Antoff knows, she requested through her letter to Robert E. Brown, dated February 22, 2005, and received by Robert E. Brown on February 24, 2005, that she

arranged a “meeting” with Robert E. Brown and herself for March 2nd 2005 at her office, to discuss the Production of Documents requested by Defendant (Interbay Funding LLC), she had received. She requested the meeting be at her office by a letter to Robert E. Brown, attached to this motion as (Exhibit A).

- (2) Ms. Antoff, called Robert E. Brown a day before the meeting and told him that she did not want him to feel like he was being broadsided, but she wanted to let him know that she had decided at the last moment to depose him instead of the meeting she had requested.
- (3) Defendant (Legreca and Quinn) and Ms. Antoff had up to this point refused to cooperate or participate in the Discovery Process, by failing to appropriately respond to the Interrogatories.
- (4) Ms. Antoff has never scheduled a deposition with the Plaintiff nor has Plaintiff requested a rescheduling of such non-deposition
- (5) Robert E. and Shirley H. Brown, further allege that the purpose of this 11th hour Deposition is unreasonable and designed to harass, annoy, and constitutes an act of bad faith.


It is for these reasons Robert E. and Shirley H. Brown request this Honorable Court to deny the Defendant (Legreca and Quinns) Motion to Depose Robert E. Brown.

Rule 30-- Depositions Upon Oral Examination.

(d) Schedule and Duration; Motion to Terminate or Limit Examination:

- (3) At any time during a deposition, on motion of a party or of the deponent and upon a showing that the examination is being conducted in bad faith or in such manner as

unreasonably to annoy, embarrass, or oppress the deponent or party, the court in which the action is pending or the court in the district where the deposition is being taken may order the officer conducting the examination to cease forthwith from taking the deposition, or may limit the scope and manner of the taking of the deposition as provided in Rule 26(c). If the order made terminates the examination, it shall be resumed thereafter only upon the order of the court in which the action is pending. Upon demand of the objecting party or deponent, the taking of the deposition shall be suspended for the time necessary to make a motion for an order. The provisions of Rule 37(a)(4) apply to the award of expenses incurred in relation to the motion.


Robert E. Brown, Pro Se.

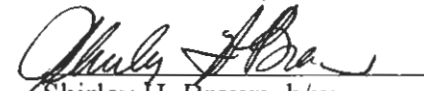

Shirley H. Brown, h/w
1024 Walnut Street
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EXHIBIT (A) 1 OF 2

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February 22, 2005

Mr. Robert E. Brown
1024 Walnut Street
Wilmington, DE 19801

Re: Brown v. Lagreca & Quinn Real Estate Services
File No. 04-538

Dear Robert:

Thank you for providing me with copies of your answers to Interbay Funding's Interrogatories and Request for Production of Documents. I am writing to respectfully request that you help me analyze the information that you provided.

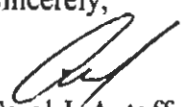
Please identify which documents of all those you provided respond to Interbay's Request Number ~~7~~ 8 seeking documents that support your contention that Lagreca & Quinn's use of comparables outside the designated area is a method which is not within the normal appraisal practice.

In addition, please identify which documents respond to Interbay's Request for Production Number 9 seeking documents that support your claim that Lagreca & Quinn's appraisal of the subject property was erroneous.

Unless you would prefer to respond to me in writing, I would be happy to discuss these requests with you in person or by telephone.

Thank you for your attention, courtesy and cooperation.

Sincerely,


Carol J. Antoff

CJA/dcm
cc: Lindsay McMenemy, Esquire
Robert Lagreca

EXHIBIT (A) 2 OF 2

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Wilmington, DE 19801

Mr. Robert E. Brown
1024 Walnut Street
Wilmington, DE 19801



1024-2005

IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF DELAWARE

Robert E. Brown and	:	
Shirley H. Brown h/w	:	
Plaintiffs,	:	
v.	:	Civil Action No. 04- 617- SLR
	:	
Interbay Funding LLC, and	:	
Legreca & Quinn Real Estate	:	
Services Inc.	:	
Defendants	:	

PLAINTIFFS MOTION TO DENY DEFENDANT LEGRECA AND QUINNS'

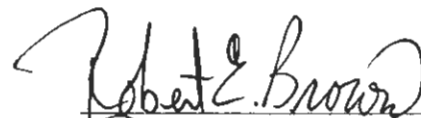
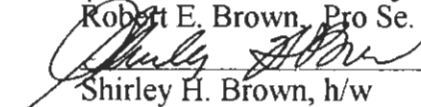
MOTION OF DEPOSITION OF ROBERT E. BROWN

This is to certify that on this 3rd day March , 2005, copies of Plaintiffs Motion to deny Defendants Legreca and Quinn Motion to Depose Robert E. Brown were served, on following list of Attorneys:

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